

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

September 9, 2008

Meeting was commenced at 4:58 p.m.

PRESENT:

Council Members: Chairman Scott Cowdell, Vice Chairman Stephen Smith, Bryant Anderson, Chris McCandless, Linda Martinez Saville, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Deputy to the Mayor John Hiskey; Assistant CAO Scott Bond; City Attorney Walter Miller; Community Development Director Mike Coulam; Planning Director James Sorensen; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

ABSENT/EXCUSED

Mayor Tom Dolan [ULCT]

Councilman Steve Fairbanks [ULCT]

1. **COUNCIL ITEMS(S):**

Huston Annexation 4:59:20 PM

Continuation of Huston Annexation (3060 Deer Hollow) Discussion consideration of a property owner's request to annex said property into the City with an R-1-20A zone. Review of staff and citizen discussion and recommendation/possible final decision.

Discussion: Planning Director James Sorensen reviewed the Amended Staff Report which follows.

BACKGROUND

On August 26, 2008, the City Council considered the Huston Annexation request. Mr. Huston requested annexation for properties located at approximately 3060 East Deer Hollow Drive. The area under consideration for annexation comprises approximately 8.26 acres. The applicant proposed to annex these properties to the City with an R-1-20A Zone (single family residential on a minimum of 20,000 square foot lots with animal rights). The proposed annexation included 5 parcels with 3 separate owners. Prior to the City Council meeting one of the property owners asked that his two parcels be removed from this annexation proposal.

During the City Council meeting it was clear that these properties should be annexed into Sandy City based on the following findings:

1. The area is contiguous to the Sandy City boundary (south).
2. The property is located within an area designated in the Sandy City General Plan for incorporation.
3. The City is presently providing culinary water service and fire service to this area.
4. The City can provide a high level of other municipal services to this property.

What was not so clear is what the appropriate zone for the properties should be. The City Council discussed the possibility of zoning the properties to the R-1-20A, R-1-30A, and R-1-40A Zones. Many of the residents in the area felt that the larger R-1-40A Zoning would be most appropriate for the area. It was felt that the area had been established as a large lot area and many of the residents purchased their homes based on this zoning.

On August 21, 2008, the Planning Commission considered the Huston Annexation request and unanimously recommended that the properties be annexed into Sandy City with the R-1-40A Zone. The Planning Commission felt that the lot sizes should be consistent with the overall existing subdivision, of which the proposed properties to be annexed were part of.

Based on this information the City Council closed the public hearing but continued the discussion until September 9, 2008. The City Council directed Staff to meet with the applicant, a neighborhood representative, and a representative

from the Granite Community Council to discuss an appropriate zone for the properties. That meeting was held on September 3, 2008, with the following in attendance: Dave Huston (applicant), Mike Mendlove (neighborhood representative), Robert Alston (Granite Community Council member) and Mike Coulam, James Sorensen, Rick Smith, Don Rosankrantz from City staff.

At the meeting, several different alternatives were considered relating to how the R-1-20A, R-1-30A, and R-1-40A Zones could potentially be applied to Mr. Huston's property and how each of them may impact the surrounding properties. After much discussion it was concluded that a majority of the property owners within the Deer Hollow area would like to continue with the R-1-40A large lot zoning in their neighborhood. Many of them have expressed an interest in annexing into Sandy City with the R-1-40A Zoning. Mr. Huston, however, felt that he would like to still proceed with his request for either an R-1-20A or R-1-30A zoning for his property.

Staff Recommendation

Staff feels that the R-1-20A Zone is an appropriate zone for many areas of the City where residents want a larger lot with less maintenance issues. However, Staff also understands that there are areas that were established with larger acreage lots that have a unique rural atmosphere that provides variety to the community and is also important to preserve. Based upon the information obtained through the public hearing process staff feels that this particular neighborhood in the Granite Community was established with acre plus lots and therefore should maintain the R-1-40A Zoning upon annexation into Sandy City. Many of the lots in the neighborhood are several acres in size and could still be subdivided under the R-1-40A Zone.

Huston Annexation

Property Owner	Sidwell Number	Taxable Value	Acres
Dale Rust	28-14-328-001	\$780,890	1.18
Dale Rust	28-14-328-007	\$185,900	.65
David Huston	28-14-328-008	\$1,362,980	3.17
Scott Peeler	28-14-402-054	\$969,390	2.50
Scott Peeler	28-14-402-055	\$67,200	.47

Chairman Cowdell allowed the applicant and the neighborhood representatives to address the Council.

Davie Huston, petitioner, 3060 Deer Hollow, expressed appreciation to the Council for holding a special meeting for the annexation. He stated that he has long maintained that land owners should have the right to do what they want with their property as long as it is within reason. He believes that the R-1-30A Zone was a fair compromise. The argument from the residents was based on the number of units and density concerns. When the developer agreed to reduce the number of units through a restrictive R-1-20 A or R-1-30A Zone, the residents argued that these zones would create a domino effect for the area. There has only been one annexation in the area, and they were granted the R-1-20A Zone. His hope is to be granted a similar zone or to reach a compromise with an R-1-30 Zone.

Mike Mendlove, 3160 East Deer Hollow Drive, Neighborhood Representative, stated that the majority of the neighbors in the area believe the zoning should be consistent with the majority of land already zoned R-1-40A. The intent of this overall area was to have one acre parcels. The residents would like to preserve the area by maintaining the R-1-40A Zone.

Council Discussion

Chris McCandless stated that he loves this area and that it is one of his favorite places to ride his bike. He presented pictures of the area that he took to help him analyze what would be the best zone for the proposed annexation. He believes the R-1-40A Zone would maintain the integrity of the area. He strongly feels that there should never be more than one unit allowed on an acre of property. His concern is if this particular parcel is zoned for less than one unit per acre, it could potentially be subdivided into three units; putting existing homes, vegetation and open space at risk. He stated that he would vote in favor of the R-1-40A Zone, with a caveat recommending that the residents in the area discuss, with Planning Staff, possibilities of implementing an overlay zone which would allow property owners to better develop their property. Only allowing one unit per acre would help preserve the vegetation in the area.

Stephen Smith agreed with Mr. McCandless and his comments on the R-1-40A Zone. He reported of his experience growing up in St. George, Utah. Progress is a part of life, but at a certain point in time, progress tends to degrade the quality of life. He is not certain that a parcel of land which is divided into smaller plots would benefit the area. He believes if the R-1-20A Zone is allowed, it would incrementally migrate through the area, which in his opinion, would destroy its uniqueness and continuity. Even though he sympathizes with Mr. Huston, there is a broader need in preserving the R-1-40A Zone for future property owners wishing to annex into the City.

Linda Martinez Saville also felt that the quality of the area should be preserved, and if half acre lots were allowed, it would destroy the beauty. The residents purchased the land for open space and the right to have horses. She believes that the R-1-40 A Zone is the most appropriate zone.

Dennis Tenney asked Mr. Huston what the zoning of his property was under the County.

David Huston reported that his property was zoned R-1-43A under the County, and could be subdivided three ways. The issue he is facing is that in order for his plat to be signed, Sandy City [owns the water to this area] would need to agree to provide water to his property, which is presently in the unincorporated area of the County.

Mr. Tenney felt that the R-1-30 Zone was a “very” reasonable compromise. Mr. Huston paid for his property, and has no intention to denigrate, change, or alter the nature of the area. He has been willing to compromise by proposing an R-1-30A Zone. The property is already contiguous to an R-1-20A Zone and an R-1-40A Zone. The R-1-30 Zone would be a fair and reasonable transition between the two zones, and would maintain the character and integrity of the neighborhood, and still provide for a wildlife corridor. Mr. Tenney stated; “Zoning is a balance; it is the art of compromise”. The residents in this area offered no compromises with the R-1-40A Zone. He stated that he struggles with the fact that well intended individuals try and tell someone else what they can or cannot do with their property. He would support the R-1-30A Zone.

Bryant Anderson stated that Sandy City has been very proactive in preserving the integrity of all of the neighborhoods in the City. The Crescent and Bell Canyon Quadrants have established guidelines to help preserve the area, and the City has honored those guidelines. He said that the Granite Community is one of his favorite areas. The City’s intent has never been to change the character of this community. He feels that it would be best to leave the property zoned R-1-40A, and honor the residents’ request. He praised Sandy City for their major accomplishments to keep taxes low, locate commercial development in the downtown area, and to create and preserve an historic atmosphere in the Historic Sandy area.

Mayor Dolan stated that the City needs to come up with a new annexation policy. The Township legislation will be revisited during the upcoming Legislative Session. It is significant to be able to not only talk with residents wanting to annex into the City, but also those residents who wish to remain in the unincorporated areas to make certain all of their interests are protected. It is also important for Sandy to help maintain the integrity of these areas and to work in conjunction with the residents and the Granite Community Council.

Scott Cowdell informed the Council that a petition was presented from the residents supporting the R-1-40 A Zone. He asked if any of the original three applicants had opted out of the annexation. He would never vote to force anyone to annex into the City. We have a great city where the benefits and services are great. He suggested removing the name of the individual who pulled his petition to annex into the City.

James Sorensen reported that Mr. Peeler would only opt out of the annexation if the zoning went below the R-1-40A Zone.

Chris McCandless asked Mr. Huston if he would still annex into the City if his property was annexed under the R-1-40A zone.

Mr. Huston stated that the long term solution for the entire area is to eventually be a part of Sandy City.

Phil Glenn stated that in the event an overlay zone is implemented, would the Council consider, as part of the motion, waiving any additional development applicant fees for Mr. Huston.

Stephen Smith and **Chris McCandless** felt that any additional stipulations should not be included in the motion at this time.

Motion: **Chris McCandless** made the motion to have documents brought back to approve the Huston, Rust and Peeler annexation into Sandy City, at the petitioner’s discretion, based on the R-1-40A Zone with the provision that Staff address ways in which cluster housing could be allowed through an overlay zone for future annexations; to allow the City to minimize negative impacts of future development on larger parcels by allowing one unit per acre to preserve the area.

Second: **Stephen Smith**

Question on the Motion:

Dennis Tenney asked Wally Miller if the City could accept an annexation petition that has a nebulous boundary.

Wally Miller indicated that the proper documents need to come back for adoption. The City will know by that time if all the applicants desire to annex into the City.

Vote: **McCandless – Yes, Smith –Yes, Saville- Yes, Tenney- No, Anderson - Yes, Fairbanks- Absent, Cowdell – Yes**

Motion Approved: 6 in favor – 1 absent

At approximately 5:30 p.m., **Dennis Tenney** made a motion to adjourn Council Meeting for a Tour with the Public Works Department, motion seconded by **Stephen Smith** .

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Scott Cowdell
Council Chairman

Pam Lehman
Council Office Manager

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